

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

DWAYNE BOWENS,

Defendant.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-13-07

07 Cr. 376 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Defendant, through his counsel (see attached letter), requests that the conference scheduled for December 14, 2007 2:00 p.m. be adjourned. The Government joins in this request for adjournment. The next conference in this matter shall be held on January 11, 2008 at 11:30 a.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until January 11, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

**SO ORDERED:**

Dated: New York, New York  
13 December 2007

  
Victor Marrero  
U.S.D.J.

Xavier R. Donaldson  
Anthony S. Chilliast  
Erika McDaniel Edwards\*  
\*Member NY, NJ & CA Bars

**DONALDSON, CHILLIEST & MCDANIEL, LLP**

Attorneys at Law  
103 East 125th Street, Suite 1102  
New York, New York 10035  
Telephone (212) 722-4900  
Facsimile (212) 722-4966

Ozro Thaddeus Wells  
Thomas B. Donaldson  
Of Counsel

622 Bloomfield Avenue, lower level  
Bloomfield, New Jersey 07003  
(973) 743-4700

December 12, 2007

**BY FACSIMILE: 212-805-6382**

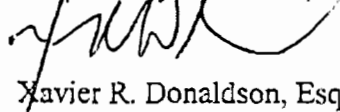
Hon. Victor Marrero  
U.S. District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: United States v. Dwayne Bowens  
07 Cr. 376 (VM)

Dear Judge Marrero:

As this Court is aware, I represent Dwayne Bowens in the above related matter scheduled for a conference on December 14, 2007 at 2:00 p.m. With the Government's consent, I am requesting an adjournment of the conference in order to finalize my submissions to the Government related to disposition. Moreover, I am scheduled to start a trial on December 13, 2007 in the case of *People v. Otmar Delaney*, 06-6720, currently pending in New York County Supreme Court. The parties are requesting that the conference be adjourned to January 11, 2008. The Defendant and Government consent that the Court exclude time under the Speedy Trial Act. Such exclusion of time would best serve the ends of justice and outweigh the best interests of the public and the Defendant in a speedy trial because it will provide defense counsel additional time to review discovery, continue investigations and prepare an adequate defense.

Respectfully submitted,



Xavier R. Donaldson, Esq.

cc: A.U.S.A. Lee Renzin  
212-637-2527 (facsimile)